



Federal Register

**Monday,
December 3, 2001**

Part XLIV

Social Security Administration

Semiannual Regulatory Agenda

SOCIAL SECURITY ADMINISTRATION (SSA)

SOCIAL SECURITY ADMINISTRATION**Office of the Commissioner****20 CFR Ch. III****Semiannual Unified Regulatory Agenda****AGENCY:** Social Security Administration.**ACTION:** Semiannual regulatory agenda.

SUMMARY: Executive Order 12866, entitled Regulatory Planning and Review, issued September 30, 1993, and the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) require each Federal agency to publish semiannually a brief description of all regulatory actions then under development or review, expected to be under development or review for the next 12 months, or completed since the previous publication of the agenda. Our last agenda of regulations was published May 14, 2001.

FOR FURTHER INFORMATION CONTACT: For further information about a specific regulatory action, contact the person identified as the agency contact for that action. Comments or inquiries of a general nature should be directed to Georgia E. Myers, Regulations Officer, Social Security Administration, L2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235-6401; Telephone (410) 965-3632 or TTY (410) 966-5609.

SUPPLEMENTARY INFORMATION: The Social Security Administration (SSA) has responsibility for the retirement, survivors, and disability insurance programs under title II of the Social Security Act (the Act) and the Supplemental Security Income (SSI) program under title XVI of the Act. We are not a regulatory agency. Our regulations generally do not impose burdens on the private sector or on State, local or tribal governments. Our regulations document the rules under which we make eligibility determinations and set forth both the responsibilities of the Agency towards the public and beneficiaries' rights and responsibilities under the programs we administer.

Our regulatory efforts can be placed into one of the following three categories: (1) legislative implementation; (2) program improvements to provide better service to SSA customers; and (3) improvements or clarifications to

provide effective stewardship of SSA programs.

We continue to seek legislative improvements for the programs we administer. However, because of the complexity of our programs, statutory language is rarely detailed enough to govern the actions of agency adjudicative decisionmakers. Supporting regulations are often required. In some instances, Congress directs SSA to issue implementing regulations. For other legislative provisions, SSA regulations provide program information to applicants for benefits, current beneficiaries and their legal counsels.

Included in our Agenda are items that will amend our regulations to provide more choices for people with disabilities who seek Return-to-Work services so that they may become self-sufficient. These regulations are required by provisions of "The Ticket to Work and Work Incentives Improvement Act of 1999," (Pub. L. 106-170), which was signed by former President Clinton on December 17, 1999. Among the provisions requiring regulations are provisions that will establish the Ticket to Work and Self-Sufficiency program in SSA, suspend continuing disability reviews based on work activity, and expedite reinstatement of disability benefits terminated due to work activity.

An area in which we are working hard to deliver high quality service is our disability determination process. Several of our agenda items support improvements to disability program administration. We have tested a prototype involving a combination of modifications to the disability determination process. The regulation will incorporate a series of changes that improve the initial disability determination process. This Agenda includes a regulation to allow phased-in implementation of these features.

The Agenda also contains updates to many of the medical listings to reflect advances in medical knowledge, treatment and methods of evaluation.

SSA is committed to enhancing the service that we provide to our customers by reducing the time it takes them to receive a hearing and a decision. We believe that the Hearings Process Improvement (HPI) Initiative will enhance the timeliness of decisions and improve customer service by effectively

utilizing the staffing resources that are dedicated to this goal. The HPI Initiative is part of SSA's overall plan for managing the disability process. One important HPI initiative listed in the Agenda, Prehearing and Posthearing Conference, is expected to improve the hearings process by standardizing and increasing the efficiency of our procedures for holding prehearing and posthearing conferences. Another important HPI initiative listed in the Agenda, Expansion of the Use of Video Teleconference Technology in Hearings before Administrative Law Judges (ALJs) of the Social Security Administration, is expected to improve customer service by providing faster access to a hearing before an ALJ. It removes the need for the claimant (and representative, if any) and the ALJ to be physically present at the same location.

Effective stewardship of SSA programs requires mechanisms to assure that benefits are used to meet the needs of beneficiaries who are not able to manage their own benefits due to legal incompetence or medical infirmity. A proposed regulation will make improvements to the representative payment procedures needed to assure program integrity.

We have also included in this agenda, a regulation that provides SSA with an additional tool to strengthen the integrity of the Social Security and SSI programs. A proposed regulation that implements a provision of the Foster Care Independence Act of 1999 authorizing SSA to obtain information from financial institutions in order to determine initial or continuing eligibility for SSI benefits.

We continue to work diligently to improve our program benefit regulations and to develop partnerships with large segments of the community of stakeholders interested in Social Security programs. The remaining of our Unified Agenda items reflect such improvements and clarifications.

For this edition of the Social Security Administration's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

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The October 2001 regulatory agenda for the Social Security Administration follows.

Dated: October 3, 2001.

Georgia E. Myers,

SSA Regulations Officer.

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4070	OASDI and SSI for the Aged, Blind, and Disabled; Fees for Representation of Parties Under Title II and Title XVI of the Social Security Act (296P)	0960-AD23
4071	Revised Medical Criteria for Evaluating Hematologic Disorders and Malignant Neoplastic Diseases (399P)	0960-AD67
4072	Revised Medical Criteria for Determination of Disability, Endocrine System (436P)	0960-AD78
4073	Modification of Private Printing and Prescribed Applications and Other Forms (530P)	0960-AE15
4074	Privacy and Disclosure of Official Records and Information (711P) (Reg Plan Seq No. 155)	0960-AE88
4075	Administrative Wage Garnishment (To Repay a Debt Owed to the Social Security Administration) (724P) (Reg Plan Seq No. 156)	0960-AE92
4076	\$30 Private Insurance (794P)	0960-AF25
4077	Revised Medical Criteria for Evaluation Digestive System Disorders (800P)	0960-AF28
4078	Revised Medical Criteria for Evaluating Skin Disorders (801P)	0960-AF29
4079	Revised Medical Criteria for Evaluating Genitourinary Disorders (802P)	0960-AF30
4080	Multiple Body Systems Listings (803P)	0960-AF32
4081	Revised Medical Criteria for Evaluating Immune Systems (804P)	0960-AF33
4082	Revised Medical Criteria for Evaluating Special Senses (805P)	0960-AF34
4083	Revised Medical Criteria for Evaluating Neurological Disorders (806P)	0960-AF35
4084	Clarification of Rules Involving RFC Assessments; Clarification of Use of Vocational Experts & Other Sources of the Sequential Evaluation Process; Incorporation of "Special Profile" Into Regs (808P)	0960-AF37
4085	Filing Claims Under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act (785P)	0960-AF39
4086	Access to Information Held by Financial Institutions (815P) (Reg Plan Seq No. 157)	0960-AF43
4087	Revisions to the Medical-Vocational Guidelines (823P)	0960-AF47
4088	Revised Medical Criteria for Determination of Disability, Cardiovascular System and Related Criteria (826P)	0960-AF48
4089	Representative Payment Under Title II and XVI of the Social Security Act (827P)	0960-AF49
4090	Removal of Clothing from the Definition of Income and From the Definition of In-Kind Support and Maintenance Under the Supplemental Security Income Program (834P)	0960-AF50
4091	Exclusion of One Automobile From Resources (835P)	0960-AF51
4092	Exclusion of Household Goods and Personal Effects Under the Supplemental Security Income (SSI) Program (837P)	0960-AF55
4093	Determining Disability for an Individual with Drug Addiction or Alcoholism (851P)	0960-AF57
4094	Revised Medical Criteria for Evaluating Respiratory Medical Disorders (859P)	0960-AF58
4095	Special Benefits for Certain World War II Veterans (880P)	0960-AF61
4096	Technical Amendments to Annual Earnings Test (866P)	0960-AF62
4097	Federal Old-Age, Survivors, Disability and Supplemental Security Income; De Novo Review at all Levels of Appeal (888P)	0960-AF63
4098	Revising the Rules on Work Experience as a Vocational Factor (875P)	0960-AF64
4099	Compensation for Qualified Organizations Serving as a Representative Payee (846P) (Reg Plan Seq No. 158) ..	0960-AF66
4100	Revised Medical Criteria for Determination of Disability, Growth Impairments (444P)	0960-AF67
4101	Revised Medical Criteria for Evaluating Mental Disorders (886P)	0960-AF69

References in boldface appear in the **Regulatory Plan** in part II of this issue of the **Federal Register**.

Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4102	Old-Age, Survivors, and Disability Insurance Benefits; Replacing Social Security Number Cards (543F)	0960-AE18
4103	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) (554F)	0960-AE27

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Social Security Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
4104	OASDI and SSI; Expansion of the Use of Video Teleconference Technology in Hearings Before Administrative Law Judges of the Social Security Administration (737F) (Reg Plan Seq No. 159)	0960-AE97
4105	Revised Medical Criteria for Determination of Disability, Appendix 1 to Subpart P—Listing of Impairments (740F)	0960-AE99
4106	Ticket to Work and Self-Sufficiency Program (Ticket to Work and Work Incentives Improvement Act of 1999) (767F) (Reg Plan Seq No. 160)	0960-AF11
4107	Cost of Living Increases in Primary Insurance Amounts (759F)	0960-AF14
4108	Administrative Review Process; Prehearing and Posthearing Conferences (778F)	0960-AF17
4109	Administrative Procedures for Imposing Penalties for False or Misleading Statements (784F) (Reg Plan Seq No. 161)	0960-AF20
4110	Credit Bureau Reporting and Administrative Offset for SSI Overpayments (795F)	0960-AF31
4111	Implementing the Redesigned Disability Process (816F) (Reg Plan Seq No. 162)	0960-AF44
4112	Filing of Applications and Related Forms (797F)	0960-AF52
4113	Collection of Supplemental Security Income Overpayments from Title VIII Benefits (819F)	0960-AF53
4114	Supplemental Security Income for the Aged, Blind and Disabled; Student Child Earned Income Exclusion (865F)	0960-AF60

References in boldface appear in the **Regulatory Plan** in part II of this issue of the **Federal Register**.

Social Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4115	Computation of SSI Benefits for the First Three Months of Payment (476P)	0960-AD93
4116	Definition of “Largest Benefit Amount” for Simultaneous Entitlement to Child’s Benefits (481P)	0960-AD95
4117	Repeal of Facility of Payment Provision (508P)	0960-AE02
4118	Administrative Review Process; Administrative Res Judicata and Related Rules (526P)	0960-AE11
4119	OASDI; Nonpayment of Benefits to Incarcerated Individuals and Individuals Confined in Criminal Cases, Pursuant to Conviction or by Court Order Based on Findings of Insanity (531P)	0960-AE16
4120	Supplemental Security Income; Plans for Achieving Self-Support (506P)	0960-AE17
4121	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organizations (547F)	0960-AE25
4122	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Indian Tribal Governments (555F)	0960-AE28
4123	Restrictions on Lobbying in Connection with the Award of Grants, Contracts, and Cooperative Agreements (556F)	0960-AE29
4124	Elimination of Rounding Distortion in the Calculation of the Contribution and Benefit Base and Earnings Test Exempt Amounts (512F)	0960-AE40
4125	Supplemental Standards for Ethical Conduct for Employees of the Social Security Administration (601P)	0960-AE48
4126	Deeming of Income From an Ineligible Spouse to an Eligible Individual and an Eligible Child (606P)	0960-AE50
4127	Dedicated Accounts and Installment Payments for Certain Past Due SSI Benefits (622F)	0960-AE59
4128	Effectuation of Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975 in Programs Receiving Financial Assistance by SSA (617P)	0960-AE63
4129	Enforcement of Nondiscrimination in Social Security Programs or Activities (661P)	0960-AE78
4130	Technical Changes to Title XVI (664F)	0960-AE79
4131	Federal Salary Offset (Withholding a Portion of a Federal Employee’s Salary To Collect a Delinquent Debt Owed to the Social Security Administration) (721P)	0960-AE89
4132	Private Collection Agencies (Using Private Collection Agencies to Help SSA Collect Delinquent Title II and Title XVI Debts Owed by Former Beneficiaries) (722P)	0960-AE90
4133	Charging Interest (Charging Interest on Delinquent Debts) (723P)	0960-AE91
4134	Work Activity Standard as a Basis for Review of an Individual’s Disabled Status (Ticket to Work and Work Incentives Improvement Act of 1999) (725P)	0960-AE93
4135	Assignment of Social Security Administration Numbers (SSN) for Nonwork Purposes (751P)	0960-AF05
4136	Change in Retirement Age (775F)	0960-AF16
4137	Medical Equivalence for Adults and Children (787P)	0960-AF19
4138	Expedited Reinstatement of Disability Benefits (Ticket to Work and Work Incentives Improvement Act) (790P)	0960-AF21
4139	SSI Trusts and Transfers of Resources (791I)	0960-AF22
4140	Social Security Coverage of Employment for Residents of the Northern Mariana Islands, American Samoa, and Guam (792P)	0960-AF23
4141	Effects of Being Considered a Child (793P)	0960-AF24
4142	Wage Reports and Pension Information (809P)	0960-AF38

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Social Security Administration—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
4143	Disability Insurance Program Demonstration Project Authority (Ticket to Work and Work Incentives Improvement Act of 1999) (789P)	0960-AF41
4144	Exclusion of Representatives and Health Care Providers Convicted of Violations from Participation in Social Security Disability Programs (820F)	0960-AF46
4145	Non-Payment of Monthly Social Security Benefits to Aliens Residing in the United States Who Are Not Lawfully Present (849P)	0960-AF56
4146	Revising the Rules on the Steps for Evaluating Disability (894P)	0960-AF65
4147	Program: Cooperative Agreements for Benefits Planning, Assistance, and Outreach Projects (844P)	0960-AF68

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
4148	Musculoskeletal System and Related Criteria (143F)	0960-AB01
4149	Election of Benefits Based on Age by Disabled Widow, Widower, and Surviving Divorced Spouse Beneficiaries (343P)	0960-AD56
4150	Federal Old-Age, Survivors, and Disability Insurance; Determining Disability and Blindness; Revision to Medical-Vocational Guidelines (599F)	0960-AE42
4151	Coverage of Employees of State and Local Governments; Office of Management and Budget (OMB) Control Number (280F)	0960-AE69
4152	Title XVI, Cross-Program Recovery (746F)	0960-AF13
4153	Federal Old-Age, Survivors and Disability Insurance; Supplemental Security Income; Determining Disability and Blindness; Revisions to the Growth Impairment Listings (758P)	0960-AF18
4154	Extension of Expiration Dates for Several Body System Listings (857F)	0960-AF59

Social Security Administration (SSA)

Proposed Rule Stage

4070. OASDI AND SSI FOR THE AGED, BLIND, AND DISABLED; FEES FOR REPRESENTATION OF PARTIES UNDER TITLE II AND TITLE XVI OF THE SOCIAL SECURITY ACT (296P)

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-508, sec 5106; PL 103-296, sec 321(f)3 to (f)5; PL 106-170, sec 406

CFR Citation: 20 CFR 404.1703; 20 CFR 416.1525; 20 CFR 404.1713; 20 CFR 404.1720; 20 CFR 404.1715 to 404.1717; 20 CFR 404.1725; 20 CFR 416.1503; 20 CFR 416.1513; 20 CFR 416.1520; 20 CFR 416.1515 to 416.1517

Legal Deadline: None

Abstract: We propose to amend the regulations to provide rules about authorization, direct payment, and administrative review of fees for representation based on fee agreements between claimants and their representatives; revise our rules about authorization, direct payment and

administrative review of fees for representation based on fee petitions; and provide rules about assessment on attorneys who receive direct payment of authorized fees from withheld title II past-due benefits. The proposed rules reflect provisions of section 406 of the Ticket to Work and Work Incentives Improvement Act of 1999, Public Law 106-170; sections 321(f)(3) to (f)(5) of the Social Security Independence and Program Improvements Act of 1994, Public Law 103-296; and section 5106 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508.

Timetable:

Action	Date	FR Cite
NPRM	03/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Cynthia Pullen-Carroll, Social Insurance Specialist, Social Security Administration, Office

of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-3691

RIN: 0960-AD23

4071. REVISED MEDICAL CRITERIA FOR EVALUATING HEMATOLOGIC DISORDERS AND MALIGNANT NEOPLASTIC DISEASES (399P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.1500, app 1

Legal Deadline: None

Abstract: Sections 7.00 and 107.00 (hemic and lymphatic system), and 13.00 and 113.00 (malignant neoplastic diseases) of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those impairments that are considered severe enough to prevent a person from doing any gainful activity, or for a child

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Proposed Rule Stage

claiming SSI payments under title XVI, that causes marked and severe functional limitations. We are proposing revisions to these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment. The Supplemental Security Income Program incorporates and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance Program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michelle Hungerman, Social Insurance Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-2289

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960-AD67

4072. REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY, ENDOCRINE SYSTEM (436P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.1500, app 1

Legal Deadline: None

Abstract: Sections 9.00 and 109.00 of appendix 1 to subpart P of part 404 of our regulations (404.1501 through 404.1599) describe those impairments that are considered severe enough to prevent a person from doing any gainful activity, or in the case of a child claiming SSA payments under title XVI, that cause marked and severe functional limitations. We are proposing to revise the criteria in these sections to reflect advances in medical knowledge, treatment, and methods of evaluating endocrine impairments. The Supplemental Security Income Program incorporates and uses the same medical criteria as the Old-Age, Survivors and Disability Insurance Program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Maria D. Smith, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-3661

RIN: 0960-AD78

4073. MODIFICATION OF PRIVATE PRINTING AND PRESCRIBED APPLICATIONS AND OTHER FORMS (530P)

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-296, sec 312

CFR Citation: 20 CFR 422.527

Legal Deadline: None

Abstract: This regulation will implement section 312 of Public Law 103-296, which expands prohibitions on the use of certain letters and symbols and also the reproduction for a fee of forms and publications of SSA and HHS.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960-AE15

4074. PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION (711P)

Regulatory Plan: This entry is Seq. No. 155 in part II of this issue of the Federal Register.

RIN: 0960-AE88

4075. ADMINISTRATIVE WAGE GARNISHMENT (TO REPAY A DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (724P)

Regulatory Plan: This entry is Seq. No. 156 in part II of this issue of the Federal Register.

RIN: 0960-AE92

4076. \$30 PRIVATE INSURANCE (794P)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 1382(e)

CFR Citation: 20 CFR 416.201; 20 CFR 416.211; 20 CFR 416.212; 20 CFR 416.414; 20 CFR 416.571; 20 CFR 416.1149; 20 CFR 416.1165; 20 CFR 416.1167; 20 CFR 416.1202

Legal Deadline: None

Abstract: These proposed rules make technical and conforming updates to title XVI based on section 5522(c) of the Balanced Budget Act of 1997 (Pub. L. 105-33). Section 5522(c) eliminated obsolete terminology in section 1611(e)(1) of the SSACT that specified particular kinds of medical facilities where the \$30 reduced benefit rate could apply. Section 5522(c) also amended section 1611(e)(1)(G) of the SSACT to extend applicability of temporary institutionalization benefits to children who enter private medical treatment facilities and who otherwise would be subject to a reduced benefit because of private insurance coverage.

Timetable:

Action	Date	FR Cite
NPRM	03/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Karen E. Kerwath, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Maria D. Smith, Social Insurance Specialist, Social Security Administration, Office of Process and

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Proposed Rule Stage

Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-3661

RIN: 0960-AF25

4077. REVISED MEDICAL CRITERIA FOR EVALUATION DIGESTIVE SYSTEM DISORDERS (800P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404, subpart P, app 1

Legal Deadline: None

Abstract: We are proposing to revise the criteria in the Listing of Impairments (the Listings) that we use to evaluate claims involving digestive impairments. We apply these criteria at step three of our sequential evaluation processes to adults and children who claim Social Security or Supplemental Security Income (SSI) benefits based on disability under title II and title XVI of the Social Security Act (the Act). The proposed revisions reflect advances in medical knowledge, treatment, and methods of evaluating digestive impairments. We also propose to remove listings that are redundant and serve only to refer to other listings. SSA has determined administrative costs to be negligible (i.e., less than \$2 million and 25 workyears). We also estimate a reduction in OASDI benefit payments and Federal SSI payments for fiscal years 2003 through 2012.

SSA has determined administrative costs to be negligible (i.e., less than \$2 million and 25 workyears). We also estimate a reduction in OASDI benefit payments and Federal SSI payments for fiscal years 2003 through 2012.

Timetable:

Action	Date	FR Cite
NPRM	11/14/01	66 FR 57009
NPRM Comment Period End	01/14/02	
Final Action	02/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Cheryl Worbel, Policy Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-1769

RIN: 0960-AF28

4078. REVISED MEDICAL CRITERIA FOR EVALUATING SKIN DISORDERS (801P)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404, subpart P, app 1

Legal Deadline: None

Abstract: We are proposing to revise the criteria in the Listing of Impairments (the Listings) we use for evaluating skin disorders in adults and to introduce corresponding medical criteria for evaluating skin disorders in children. We are proposing revisions to the skin listings to ensure that the medical evaluation criteria are up-to-date and consistent and that the latest advances in medical knowledge and treatment are included.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Cheryl Worbel, Policy Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9108

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960-AF29

4079. REVISED MEDICAL CRITERIA FOR EVALUATING GENITOURINARY DISORDERS (802P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404, subpart P, app 1

Legal Deadline: None

Abstract: We propose to revise the criteria in the Listing of Impairments (the Listings) that we use to evaluate genito-urinary impairments. We apply these criteria at step three of our sequential evaluation processes for adults and children who claim Social Security or Supplemental Security Income benefits based on disability under title II and title XVI of the Social Security Act. The revisions reflect advances in medical knowledge, treatment, and methods of evaluating digestgenito-urinary impairments.

Timetable:

Action	Date	FR Cite
NPRM	11/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Harry J. Short Jr., Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-7713

RIN: 0960-AF30

4080. MULTIPLE BODY SYSTEMS LISTINGS (803P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404

Legal Deadline: None

Abstract: We propose to revise the criteria in the Listing of Impairments (the Listings) for evaluating Multiple Body Systems.

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Victoria Dorf, Social Insurance Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9245

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Proposed Rule Stage

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960-AF32

4081. REVISED MEDICAL CRITERIA FOR EVALUATING IMMUNE SYSTEMS (804P)

Priority: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404

Legal Deadline: None

Abstract: We propose to revise the criteria in the Listing of Impairments (the Listings) for evaluating the Immune System.

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Victoria Dorf, Social Insurance Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AF33

4082. REVISED MEDICAL CRITERIA FOR EVALUATING SPECIAL SENSES (805P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404, subpart P, app 1

Legal Deadline: None

Abstract: We propose to revise the criteria in the Listing of Impairments (the Listings) for Special Senses.

Timetable:

Action	Date	FR Cite
NPRM	02/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Cheryl A. Williams, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-4163

RIN: 0960-AF34

4083. REVISED MEDICAL CRITERIA FOR EVALUATING NEUROLOGICAL DISORDERS (806P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404, subpart P, app 1

Legal Deadline: None

Abstract: We propose to revise the criteria in the Listing of Impairments (the listings) that we use to evaluate claims involving neurological disorders at the third step of our sequential evaluation processes for adults and children under title II and title XVI of the Social Security Act (the Act). The proposed revisions reflect advances in medical knowledge, treatment, and methods of evaluating neurological disorders.

Timetable:

Action	Date	FR Cite
NPRM	03/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-9822

RIN: 0960-AF35

4084. CLARIFICATION OF RULES INVOLVING RFC ASSESSMENTS; CLARIFICATION OF USE OF VOCATIONAL EXPERTS & OTHER SOURCES OF THE SEQUENTIAL EVALUATION PROCESS; INCORPORATION OF "SPECIAL PROFILE" INTO REGS (808P)

Priority: Substantive, Nonsignificant

Legal Authority: 442 usc 402; 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421(a); 42 USC 421(i); 42 USC 422(c); 42 USC 423; 42 USC 4225; 42 USC 902(a)(5); 42 USC 1382; 42 USC 1382c; 42 USC 1382h; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d)(l); 42 USC 1383b

CFR Citation: 20 CFR 404.1501; 20 CFR 404.1505; 20 CFR 404.1512; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 404.1546; 20 CFR 404.1560; 20 CFR 404.1561; 20 CFR 404.1563; 20 CFR 404.1569a; 20 CFR 404.1594

Legal Deadline: None

Abstract: We propose changing several sections of our rules to clarify how we make determinations and decisions at steps 4 and 5 of the sequential evaluation process. Among other things, the proposed rules would clarify (1) the responsibility that claimants have to provide evidence of their disability (including evidence related to their residual functional capacity, and (2) that SSA may use a vocational expert to help determine whether a claimant is able to do his or her past relevant work at step 4 of the sequential evaluation process.

Timetable:

Action	Date	FR Cite
NPRM	11/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960-AF37

SSA

Proposed Rule Stage

4085. FILING CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT AND THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT (785P)**Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 2672; 31 USC 3721**CFR Citation:** 20 CFR 429.101 to 429.110; 20 CFR 429.201 to 429.211**Legal Deadline:** None

Abstract: We propose to establish a new subpart B in part 429 that would prescribe the procedures SSA follows when claims are filed by employees against SSA for personal property damage or loss incident to their service with SSA. We also propose to make corrections and clarifications to our current procedures and practices on claims against the government for damage to or loss of property or personal injury or death that is caused by the negligent or wrongful act or omission of an SSA employee.

Timetable:

Action	Date	FR Cite
NPRM	11/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Agency Contact: Jonathan R. Cantor, General Attorney, Social Security Administration, General Law Division, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 21235
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Cheryl A. Williams, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AF39**4086. ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS (815P)**

Regulatory Plan: This entry is Seq. No. 157 in part II of this issue of the Federal Register.

RIN: 0960-AF43**4087. REVISIONS TO THE MEDICAL-VOCATIONAL GUIDELINES (823P)****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** Not Yet Determined**CFR Citation:** 20 CFR 404, subpart P, app 2**Legal Deadline:** None

Abstract: This rule will make several clarifications to our medical-vocational guidelines. First, for individuals whose previous semiskilled or skilled work does not allow him or her to transfer skills to other semiskilled or skilled work within his or her residual functional capacity (RFC), we will treat the past work experience as if it were unskilled. It will also clarify which medical-vocational rules apply to individuals who are illiterate or unable to communicate in English. These rules will not result in any additional administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Elaine Tocco, Vocational Policy Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Cheryl A. Williams, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-4163

RIN: 0960-AF47**4088. REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY, CARDIOVASCULAR SYSTEM AND RELATED CRITERIA (826P)**

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined**Legal Authority:** 42 USC 405; 42 USC 1302; 42 USC 1383**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

Abstract: Listings 4.00 and 104.00 of appendix 1 to the disability regulation at 20 CFR 404.1501 through 404.1599 describe those cardiovascular impairments that are considered severe enough to prevent a person from doing any gainful activity or, for a child claiming SSI payments under title XVI, that causes marked and severe functional limitations. Comprehensive revisions to these listings are being made to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The SSI program incorporates by reference and uses the same medical criteria as the old-age, survivors, and disability insurance program.

Timetable:

Action	Date	FR Cite
NPRM	03/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined

Agency Contact: Bonnie Davis, Social Insurance Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Cynthia Pullen-Carroll, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-3691

RIN: 0960-AF48**4089. REPRESENTATIVE PAYMENT UNDER TITLE II AND XVI OF THE SOCIAL SECURITY ACT (827P)**

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 902(a)(5); 42 USC 405 note; 42 USC 421 note; 42 USC 1383(a)(2); 42 USC 1383(d)(1); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 405(j); 42 USC 405(k); 42 USC 421

CFR Citation: 20 CFR 404.902; 20 CFR 404.2011; 20 CFR 404.2021; 20 CFR 404.2022; 20 CFR 404.2024; 20 CFR 404.2025; 20 CFR 404.2030; 20 CFR 404.2040a; 20 CFR 404.2041; 20 CFR

SSA

Proposed Rule Stage

404.2050; 20 CFR 404.2065; 20 CFR 416.611; 20 CFR 416.621; 20 CFR 416.622; 20 CFR 416.624; 20 CFR 416.625; 20 CFR 416.630; 20 CFR 416.640a; 20 CFR 416.641; 20 CFR 416.650; 20 CFR 416.665; 20 CFR 416.1402

Legal Deadline: None

Abstract: Effective stewardship of SSA programs requires mechanisms to assure that benefits are used to meet the needs of beneficiaries who are not able to manage their own benefits due to legal incompetence or medical infirmity. Congress determined that improvements to the representative payment procedures were needed to assure program integrity. These regulations are required to further our program integrity efforts.

Timetable:

Action	Date	FR Cite
NPRM	11/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Betsy Byrd, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AF49

4090. • REMOVAL OF CLOTHING FROM THE DEFINITION OF INCOME AND FROM THE DEFINITION OF IN-KIND SUPPORT AND MAINTENANCE UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM (834P)

Priority: Substantive, Nonsignificant

Legal Authority: Sec 1612 of the Social Security Act

CFR Citation: 20 CFR 416.1102 to 416.1104; 20 CFR 416.1121; 20 CFR 416.1124; 20 CFR 416.1130; 20 CFR 416.1133; 20 CFR 416.1140; 20 CFR 416.1142; 20 CFR 416.1144 to 416.1145; 20 CFR 416.1147 to 416.1149; 20 CFR 416.1157

Legal Deadline: None

Abstract: We propose to change the SSI rules to remove clothing from the definition of income and from the definition of in-kind support and maintenance. As a result, we generally will not count gifts of clothing as income when we decide whether a person can receive SSI benefits or when we compute the amount of benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Harry J. Short Jr., Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-7713

RIN: 0960-AF50

4091. • EXCLUSION OF ONE AUTOMOBILE FROM RESOURCES (835P)

Priority: Substantive, Nonsignificant

Legal Authority: Sec 1613(a)(2)(A) of the Social Security Act

CFR Citation: 20 CFR 416.1210; 20 CFR 416.1218

Legal Deadline: None

Abstract: We propose to simplify our rules on how we exclude an automobile in determining the resources of an SSI applicant or recipient. Specifically, we propose to exclude one automobile from resources if it is used for transportation, without consideration of its value.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Harry J. Short Jr., Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401

Phone: 410 965-7713

RIN: 0960-AF51

4092. • EXCLUSION OF HOUSEHOLD GOODS AND PERSONAL EFFECTS UNDER THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM (837P)

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Sec 1613(a)(2)(A) of the Social Security Act

CFR Citation: 20 CFR 416.1210; 20 CFR 416.1216

Legal Deadline: None

Abstract: We propose to change our resource counting rules in the SSI program by eliminating the dollar value limit for the exclusion of household goods and personal effects. As a result, we would not count household goods and personal effects as resources when we decide whether a person can receive SSI benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Harry J. Short Jr., Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-7713

RIN: 0960-AF55

4093. • DETERMINING DISABILITY FOR AN INDIVIDUAL WITH DRUG ADDICTION OR ALCOHOLISM (851P)

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: PL 104-121, sec 105; PL 105-33, sec 5525; PL 106-170, sec 401

CFR Citation: 20 CFR 404.315; 20 CFR 404.316; 20 CFR 404.321; 20 CFR 404.332; 20 CFR 404.335; 20 CFR 404.337; 20 CFR 404.350; 20 CFR 404.352; 20 CFR 404.402; 20 CFR 404.470; 20 CFR 404.480; 20 CFR 404.902; 20 CFR 404.1535 to 404.1541; 20 CFR 1500, app 1; 20 CFR 416.202;

SSA

Proposed Rule Stage

20 CFR 416.213; 20 CFR 416.262; 20 CFR 416.265; 20 CFR 416.535; 20 CFR 416.542; 20 CFR 416.554; 20 CFR 416.558; 20 CFR 416.601; 20 CFR 416.610; 20 CFR 416.935 to 416.941; 20 CFR 416.1123; 20 CFR 416.1326; 20 CFR 416.1331; 20 CFR 416.1335; 20 CFR 416.1402; 20 CFR 416.1725

Legal Deadline: None

Abstract: We propose to revise our regulations that address drug addiction and alcoholism (DAA) under title II and XVI of the Social Security Act. The proposed rules reflect provisions of section 105 of the Contract with America Advancement Act of 1996, Public Law 104-121; section 5525 of the Balanced Budget Act of 1997, Public Law 105-33; and section 401 of the Ticket to Work and Work Incentives Improvement Act of 1999, Public Law 106-170.

Timetable:

Action	Date	FR Cite
NPRM	02/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Deborah Barnes, Social Insurance Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960-AF57

4094. • REVISED MEDICAL CRITERIA FOR EVALUATING RESPIRATORY MEDICAL DISORDERS (859P)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.1500, app 1

Legal Deadline: None

Abstract: This proposed regulation will update the Respiratory Medical Listings.

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Carolyn Kiefer, Social Insurance Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9104

Cynthia Pullen-Carroll, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AF58

4095. • SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS (880P)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 405(a); 42 USC 405(j); 42 USC 405(k); 42 USC 902(a)(5); 42 USC 1001 to 1013; 42 USC 1102; 42 USC 1104; 42 USC 1106

CFR Citation: 20 CFR 404.2022; 20 CFR 404.2024; 20 CFR 408.101 (New); 20 CFR 408.105 (New); 20 CFR 408.110 (New); 20 CFR 408.120 (New); 20 CFR 408.201 (New); 20 CFR 408.202 (New); 20 CFR 408.204 (New); 20 CFR 408.206 (New); 20 CFR 408.208 (New); 20 CFR 408.210 (New); 20 CFR 408.212 (New); 20 CFR 408.214 (New); 20 CFR 408.216 (New); 20 CFR 408.218 (New); 20 CFR 408.220 (New); 20 CFR 408.222 (New); 20 CFR 408.224 (New); 20 CFR 408.226 (New); 20 CFR 408.228 (New); 20 CFR 408.230 (New); 20 CFR 408.232 (New); 20 CFR 408.234 (New); 20 CFR 408.301 (New); 20 CFR 408.305 (New); 20 CFR 408.310 (New); 20 CFR 408.315 (New); 20 CFR 408.320 (New); 20 CFR 408.325 (New); 20 CFR 408.330 (New); 20 CFR 408.340 (New); 20 CFR 408.345 (New); 20 CFR 408.351 (New); 20 CFR 408.355 (New); 20 CFR 408.360 (New); 20 CFR 408.401 (New); 20 CFR 408.402 (New); 20 CFR 408.403 (New); 20 CFR 408.404 (New); 20 CFR 408.405 (New); 20 CFR 408.406 (New); 20 CFR 408.410 (New);

20 CFR 408.412 (New); 20 CFR 408.413 (New); 20 CFR 408.420 (New); 20 CFR 408.425 (New); 20 CFR 408.430 (New); 20 CFR 408.432 (New); 20 CFR 408.435 (New); 20 CFR 408.437 (New); 20 CFR 408.501 (New); 20 CFR 408.505 (New); 20 CFR 408.510 (New); 20 CFR 408.515 (New); 20 CFR 408.601 (New); 20 CFR 408.610 (New); 20 CFR 408.615 (New); 20 CFR 408.620 (New); 20 CFR 408.621 (New); 20 CFR 408.622 (New); 20 CFR 408.624 (New); 20 CFR 408.625 (New); 20 CFR 408.635 (New); 20 CFR 408.640 (New); 20 CFR 408.641 (New); 20 CFR 408.645 (New); 20 CFR 408.650 (New); 20 CFR 408.655 (New); 20 CFR 408.660 (New); 20 CFR 408.665 (New)

Legal Deadline: None

Abstract: We propose to add to Chapter 20 of the CFR new subparts in a new part 408 that would set forth our rules applicable to claims for special veterans benefits (SVB) under title VIII of the Social Security Act. The title VIII program provides monthly benefits to certain WW II veterans who were previously eligible for supplemental security income payments under title XVI of the Act and reside outside the United States. These initial subparts would establish the legal basis for the title VIII program as well as codify the title VIII rules on qualification filing applications, evaluating evidence, computing and paying benefits, and representative payment. We will be proposing additional subparts dealing with other aspects of the title VIII at a later date.

Timetable:

Action	Date	FR Cite
NPRM	02/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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Phone: 410 966-9822

RIN: 0960-AF61

SSA

Proposed Rule Stage

4096. • TECHNICAL AMENDMENTS TO ANNUAL EARNINGS TEST (866P)**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 402; 42 USC 403; 42 USC 403(a); 42 USC 405(a); 42 USC 416; 42 USC 423; 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a)(5); PL 106-182**CFR Citation:** 20 CFR 404.415; 20 CFR 404.416**Legal Deadline:** None**Abstract:** The Senior Citizen's Freedom to Work Act of 2000, enacted on April 7, 2000, eliminates the annual earnings test for beneficiaries, starting from the month in which they reach full retirement age.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769**RIN:** 0960-AF62**4097. • FEDERAL OLD-AGE, SURVIVORS, DISABILITY AND SUPPLEMENTAL SECURITY INCOME; DE NOVO REVIEW AT ALL LEVELS OF APPEAL (888P)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 401(j); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 405(j); 42 USC 421; 42 USC 425; 42 USC 902(a)(5); 42 USC 1383; 42 USC 1383(b)**CFR Citation:** 20 CFR 404.900; 20 CFR 404.913; 20 CFR 404.946; 20 CFR 404.970; 20 CFR 416.1400; 20 CFR 416.1413; 20 CFR 416.1446; 20 CFR 416.1470**Legal Deadline:** None**Abstract:** The current regulations are silent on SSA's practice of reviewing the entire record upon a claimant'srequest for appeal. SSA will review those parts of the decision that the claimant believes are wrong and will look at any new facts presented. SSA may also review those parts of the decision that the claimant believes are correct and may make them unfavorable or less favorable to the claimant. SSA revised many of its notices in 1990 to inform the public about its de novo review as a result of the decision in *Powell v. Heckler*, 789 F2d (3rd Cir. 1986).**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Cheryl A. Williams, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-4163**RIN:** 0960-AF63**4098. • REVISING THE RULES ON WORK EXPERIENCE AS A VOCATIONAL FACTOR (875P)****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 402; 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421(a); 42 USC 421(i); 42 USC 422(c); 42 USC 423; 42 USC 425; 42 USC 902(a)(5); 42 USC 1382; 42 USC 1382c; 42 USC 1382h; 42 USC 1383(a); 42 USC 1383(c); 42 USC 1383(d)(1); 42 USC 1383b**CFR Citation:** 20 CFR 404.1520; 20 CFR 404.1560; 20 CFR 404.1565; 20 CFR 404.1594(b)(4)(iii); 20 CFR 416.920; 20 CFR 416.960; 20 CFR 416.965; 20 CFR 416.994(b)(l)(iv)(c)**Legal Deadline:** None**Abstract:** We propose to change some of the rules we use to decide whether an individual is "disabled." These rules govern how we look at an individual's past work history. Currently, we consider work performed in the last 15 years to be relevant when we decide whether an individual is "disabled."

We propose to change our rules so that we only look at work performed in the last five years.

Timetable:

Action	Date	FR Cite
NPRM	11/00/01	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Cheryl A. Williams, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-4163**RIN:** 0960-AF64**4099. • COMPENSATION FOR QUALIFIED ORGANIZATIONS SERVING AS A REPRESENTATIVE PAYEE (846P)****Regulatory Plan:** This entry is Seq. No. 158 in part II of this issue of the *Federal Register*.**RIN:** 0960-AF66**4100. • REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY, GROWTH IMPAIRMENTS (444P)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 1302; 42 USC 1383; 42 USC 405**CFR Citation:** 20 CFR 404 subpart P, app 1; 20 CFR 416 subpart I**Legal Deadline:** None**Abstract:** Section 100.00 of part B of appendix 1 to subpart P of part 404 of the Disability Regulations describes growth impairments considered severe enough to cause marked and severe functional limitations in a child under age 18. We are proposing revisions to the growth impairment listings. The revisions contained in these regulations reflect advances in medical knowledge, treatment, and methods of evaluating growth impairments. The Supplemental Security Income program incorporates and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

SSA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/01	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** This regulation is cross-referenced with 0960-AD80.

Agency Contact: Regina Connell, Social Insurance Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AF67**4101. • REVISED MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS (886P)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** Not Yet Determined**CFR Citation:** 20 CFR 404.1500, app 1**Legal Deadline:** None

Abstract: We proposed to revise the criteria in the Listing of Impairments (the Listing) that we use to evaluate claims for disability benefits where the individual is alleging a mental impairment. The Listing describes, for each of the major body systems, impairments that are considered severe enough to prevent a person from doing any gainful activity. Our proposed revisions will reflect advances in medical knowledge, treatment, and methods of evaluating mental impairments in both adults and children.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Deborah Barnes, Social Insurance Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235
Phone: 410 965-4171

Harry J. Short Jr., Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-7713

RIN: 0960-AF69

Social Security Administration (SSA)

Final Rule Stage

4102. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS; REPLACING SOCIAL SECURITY NUMBER CARDS (543F)**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405**CFR Citation:** 20 CFR 422.103**Legal Deadline:** None

Abstract: These final rules will support the process for replacing Social Security number cards when we receive a request by telephone. We tested replacing the card based on information furnished by telephone, without requiring additional documentation. SSA is now evaluating the results of that test.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/22/95	60 FR 32444
Interim Final Rule Comment Period End	08/21/95	
Final Action	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Daniel T. Bridgewater, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-3298

RIN: 0960-AE18**4103. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS) (554F)****Priority:** Info./Admin./Other**Legal Authority:** 41 USC 403(11); 41 USC 701 et seq; 42 USC 902(a)(5)**CFR Citation:** 20 CFR 436.000**Legal Deadline:** None

Abstract: This final regulation migrates the HHS grants regulation at 45 CFR part 76 into a new SSA regulation at 20 CFR part 436 now that SSA is an independent agency.

Timetable:

Action	Date	FR Cite
Final Action	11/00/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Patricia Hora, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AE27**4104. OASDI AND SSI; EXPANSION OF THE USE OF VIDEO TELECONFERENCE TECHNOLOGY IN HEARINGS BEFORE ADMINISTRATIVE LAW JUDGES OF THE SOCIAL SECURITY ADMINISTRATION (737F)**

Regulatory Plan: This entry is Seq. No. 159 in part II of this issue of the Federal Register.

RIN: 0960-AE97

4105. REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY, APPENDIX 1 TO SUBPART P—LISTING OF IMPAIRMENTS (740F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404 subpart P, app 1

Legal Deadline: None

Abstract: These regulations will make a certain number of discrete technical revisions to the Listing of Impairments, appendix 1 to subpart P, of part 404 of our regulations. We are making these changes in order to reflect advances in medical practices, to clarify certain listing criteria, to remove a few rarely-used listings, and to add new listings to address current medical practices such as organ transplantation. Also we will remove some technical references, which have become obsolete, and reword some listings to update medical terminology. We use these listings to adjudicate claims for disability under titles II and XVI of the Social Security Act when we evaluate claims of individuals at step three of our sequential evaluation process.

Timetable:

Action	Date	FR Cite
NPRM	02/11/00	65 FR 6929
NPRM Comment Period End	04/11/00	
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Carolyn Kiefer, Social Insurance Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960–AE99

4106. TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (767F)

Regulatory Plan: This entry is Seq. No. 160 in part II of this issue of the Federal Register.

RIN: 0960–AF11

4107. COST OF LIVING INCREASES IN PRIMARY INSURANCE AMOUNTS (759F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 402(a); 42 USC 405(a); 42 USC 415; 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.273 to 404.275

Legal Deadline: None

Abstract: This final rule revises our rules dealing with automatic cost-of-living increases to primary insurance amounts under title II of the Social Security Act. The revisions eliminate the restriction that we could only grant cost-of-living increases based on rises in the Consumer Price Index (CPI) or the Average Wage Index (AWI) if either the CPI or AWI increased by 3 percent or more during the prescribed measuring period. The 3 percent restriction was removed by legislation enacted in 1986. These regulations codify statutory provisions enacted in 1986.

Timetable:

Action	Date	FR Cite
Final Action	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeff Kunkel, Actuary, Social Security Administration, Office of the Actuary, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Cheryl A. Williams, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-4163

RIN: 0960–AF14

4108. ADMINISTRATIVE REVIEW PROCESS; PREHEARING AND POSTHEARING CONFERENCES (778F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.961; 20 CFR 416.1461

Legal Deadline: None

Abstract: These final rules will amend our regulations that authorize an administrative law judge (ALJ) to hold a prehearing or posthearing conference to specify that certain attorney advisors in our Office of Hearings and Appeals (OHA) may hold formal prehearing or posthearing conferences when requested by an ALJ. We will also amend these regulations to include procedures to govern the informal developmental conferences that we may hold with claimants or their representatives.

Timetable:

Action	Date	FR Cite
NPRM	06/22/00	65 FR 38796
NPRM Comment Period End	08/21/00	
Final Action	03/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960–AF17

4109. ADMINISTRATIVE PROCEDURES FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS (784F)

Regulatory Plan: This entry is Seq. No. 161 in part II of this issue of the Federal Register.

RIN: 0960–AF20

4110. CREDIT BUREAU REPORTING AND ADMINISTRATIVE OFFSET FOR SSI OVERPAYMENTS (795F)

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 3711(f); 31 USC 3716; Sec 1631(b) of the Social Security Act

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CFR Citation: 20 CFR 416.590; 20 CFR 416.1403; 20 CFR 422.301; 20 CFR 422.305

Legal Deadline: None

Abstract: We propose to modify our regulations dealing with the recovery of SSI overpayments to reflect statutory authority for SSA to selectively refer information about SSI overpayments to consumer reporting agencies and to recover SSI overpayments through administrative offset by the Department of Treasury against other Federal payments to which the overpaid individual may be entitled. These collection practices would be limited to overpayments made to a person after he or she attained age 18 and would be used after the individual ceases to be an SSI beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	10/23/00	65 FR 63221
NPRM Comment Period End	12/22/00	
Final Action	11/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Patricia Hora, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AF31

4111. IMPLEMENTING THE REDESIGNED DISABILITY PROCESS (816F)

Regulatory Plan: This entry is Seq. No. 162 in part II of this issue of the Federal Register.

RIN: 0960-AF44

4112. • FILING OF APPLICATIONS AND RELATED FORMS (797F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 402(i); 42 USC 402(j); 42 USC 402(o); 42 USC 402(p); 42 USC 402(r); 42 USC 405; 42 USC 416(i)(2); 42 USC 423(b); 42 USC 428(a); 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.610; 20 CFR 404.611; 20 CFR 422.505

Legal Deadline: None

Abstract: We will include language that explains the Internet applications completed on SSA's website and submitted to SSA are prescribed applications for filing for social security benefits. We plan to incorporate an explanation that once SSA has an approved electronic signature method in place, the signature method will be included as part of the Internet application process and will be required for the applications.

Timetable:

Action	Date	FR Cite
NPRM	08/17/01	66 FR 43136
NPRM Comment Period End	10/16/01	
Final Action	02/00/02	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lola Doyle, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AF52

4113. • COLLECTION OF SUPPLEMENTAL SECURITY INCOME OVERPAYMENTS FROM TITLE VIII BENEFITS (819F)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 902; 42 USC 1320b-17; 42 USC 1382(b)

CFR Citation: 20 CFR 416.570; 20 CFR 416.572

Legal Deadline: None

Abstract: We plan to modify our rules for dealing with the recovery of Supplemental Security Income (SSI) benefit overpayments under title XVI of the Social Security Act (the Act). The final rules would implement statutory authority for SSA to recover SSI overpayments by adjusting the amount of special veterans benefits payable under title VIII of the Act. (Title VIII

provides monthly benefits to certain World War II veterans residing outside the United States.) This collection practice would be used when the overpaid individual is no longer eligible for SSI cash benefits. Also, the amount of the SSI overpayment recoverable in a month would be limited to 10 percent of the benefit payable in a month under title VIII unless a different rate of collection is requested and approved or the overpaid person (or that person's spouse) willfully misrepresented or concealed information in connection with the overpayment. In cases of misrepresentation or concealment, the entire title VIII benefit would be subject to adjustment to recover the overpayment.

Timetable:

Action	Date	FR Cite
NPRM	07/26/01	66 FR 38963
NPRM Comment Period End	09/24/01	
Final Action	01/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert J. Augustine, Social Insurance Specialist, Social Security Administration, Office of International Programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
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Phone: 410 965-7183

RIN: 0960-AF53

4114. • SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND AND DISABLED; STUDENT CHILD EARNED INCOME EXCLUSION (865F)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1382j; 42 USC 1383

CFR Citation: 20 CFR 416.1161

Legal Deadline: None

Abstract: The monthly and yearly SSI student earned income exclusion (SEIE) amounts were increased for eligible

SSA

Final Rule Stage

children based on final rules published December 29, 2000. Those final rules should have made the same increase for ineligible children for purposes of deeming calculations, but it was inadvertently not included. Under SSA's longstanding rules, the same SEIE amounts have applied to the income of both eligible and ineligible children. These rules will apply the same increase made in the SEIE to ineligible children as for eligible children.

Timetable:		
Action	Date	FR Cite
Final Action	12/00/01	
Regulatory Flexibility Analysis Required: No		
Small Entities Affected: No		
Government Levels Affected: None		
Agency Contact: Kathy Branch, Social Insurance Specialist, Social Security Administration, Office of Program		

Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AF60

Social Security Administration (SSA)

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4115. COMPUTATION OF SSI BENEFITS FOR THE FIRST THREE MONTHS OF PAYMENT (476P)
Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 902(a)(5); 42 USC 1382(c)
CFR Citation: 20 CFR 416.420
Legal Deadline: None

Abstract: SSI eligibility and payment are calculated by taking into account income received by the applicant/recipient. Two calculations must be made for each month. The first is the eligibility computation and is based on the current (payment) month's income. The second is the payment computation, which, under retrospective monthly accounting, is based (usually) on the income of a prior month called the budget month. Generally the budget month is 2 months prior to the payment month. The transitional computation for the first 3 months of SSI payment is an exception to the general rule described above. While the eligibility computation continues to apply to the current month's income, the budget month on which each of the first 3 months' payments is based is the first month of eligibility or reeligibility. This policy was intended to facilitate the transition into the 2 month retrospective accounting cycle and to avoid penalizing the recipient for income received prior to initial SSI eligibility. However, the policy also has the effect of counting income which is only received in one month more than one time. In *Jones v. Shalala*, the Ninth Circuit Court of Appeals ruled that SSA's transitional computation for the first 3 months of eligibility is not permissible because it will result in the

triple counting of nonrecurring income received only in the first month of eligibility. The proposed policy addresses the triple counting of nonrecurring income.		
Timetable:		
Action	Date	FR Cite
NPRM	To Be Determined	
Regulatory Flexibility Analysis Required: No		
Government Levels Affected: None		
Agency Contact: Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 966-9822		
RIN: 0960-AD93		

4116. DEFINITION OF "LARGEST BENEFIT AMOUNT" FOR SIMULTANEOUS ENTITLEMENT TO CHILD'S BENEFITS (481P)
Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 402; 42 USC 422(b); 42 USC 423; 42 USC 424a; 42 USC 428(a) to 428(e); 42 USC 902(a)(5); 42 USC 403; 42 USC 403(a); 42 USC 403(b); 42 USC 404(a); 42 USC 404(e); 42 USC 405(a); 42 USC 405(c); 42 USC 416
CFR Citation: 20 CFR 404.304; 20 CFR 404.353b; 20 CFR 404.407d
Legal Deadline: None

Abstract: Section 202(k)(2)(A) of the Act (42 U.S.C. 402(k)(2)(A)) contains the statutory requirements for determining the earnings record on which SSA will pay a person, who is simultaneously entitled to child's

insurance benefits on the earnings records of more than one worker. Generally, the child's benefits will be paid on the earnings record that yields the highest primary insurance amount (PIA). However, under certain circumstances, the child's benefits will be paid on the earnings record that yields a lower PIA if that record produces the "largest benefit" to which the child could be entitled under section 202(d) without the application of the reduction under the "family maximum" provisions. In implementing section 202(k)(2)(A), SSA has determined the "largest benefit" under section 202(k)(2)(A) by comparing the original benefit amount (i.e., 50 percent of the PIA of a living worker and 75 percent of the PIA of a deceased worker) calculated on the dependent and/or survivor claim of the child on the earnings record of each worker without applying any reductions or deductions. The United States District Court for the Northern District of Alabama in *Agee v. Sullivan* rejected this interpretation and held that SSA must compare the amounts payable to the child under each earnings record after considering all applicable deductions and reductions other than the reduction under the family maximum provisions. Legal support for both interpretations can be found in the statutory language and legislative history of section 202(k)(2)(A) of the Act. We have found current regulations implementing section 202(k)(2)(A) to be ambiguous. We propose to amend these regulations to reflect the longstanding SSA interpretation, rather than the interpretation adopted by the District Court in the *Agee* decision.

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Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

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Phone: 410 966-9822

RIN: 0960-AD95

4117. REPEAL OF FACILITY OF
PAYMENT PROVISION (508P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 403

CFR Citation: 20 CFR 404.402(b); 20 CFR 404.458

Legal Deadline: None

Abstract: This regulation will reflect section 309 of Public Law 103-296 that repeals the facility of payment provision under which Social Security benefits, subject to the family maximum, would not be redistributed in certain cases, and provides that the reduction for the family maximum will be made prior to a temporary suspension for work when the nonworking auxiliary resides in a separate household from the working auxiliary.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-9822

RIN: 0960-AE02

4118. ADMINISTRATIVE REVIEW
PROCESS; ADMINISTRATIVE RES
JUDICATA AND RELATED RULES
(526P)

Priority: Other Significant

Legal Authority: 42 USC 405(a); 42 USC 405(b); 42 USC 902(a)(5); 42 USC 1383(c); 42 USC 1383(d)

CFR Citation: 20 CFR 404.903a (New); 20 CFR 416.1467; 20 CFR 404.903b (New); 20 CFR 404.950; 20 CFR 404.957; 20 CFR 404.967; 20 CFR 416.1403a (New); 20 CFR 416.1403b (New); 20 CFR 416.1450; 20 CFR 416.1457

Legal Deadline: None

Abstract: These proposed changes will amend our regulations governing the administrative review process for the Social Security and Supplemental Security Income (SSI) programs to update our procedures and to reflect and implement sections 205(b)(3)(A) and 1631(c)(1)(B)(i) of the Act, as added by section 5107 of Public Law 101-508. Section 5107 specifies certain cases in which our policy on administrative res judicata may not be applied to deny a claimant's subsequent application for benefits under the Social Security or SSI Program. In general, section 5107 provides that an individual's failure to timely request review of an adverse determination (initial or reconsidered) under the Social Security or SSI Program may not be used by us as a basis for a denial of the claimant's subsequent application for benefits under the same program, if the failure to request review was due to certain circumstances specified in the statute.

We are also proposing to amend our regulations to expand and clarify our policy on administrative res judicata and on collateral estoppel.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Stan Axel, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AE11

4119. OASDI; NONPAYMENT OF
BENEFITS TO INCARCERATED
INDIVIDUALS AND INDIVIDUALS
CONFINED IN CRIMINAL CASES,
PURSUANT TO CONVICTION OR BY
COURT ORDER BASED ON FINDINGS
OF INSANITY (531P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 402(x); 42 USC 405; 42 USC 902

CFR Citation: 20 CFR 404.468

Legal Deadline: None

Abstract: The regulation will implement section 4 of Public Law 103-387 and section 402(b) and (d) of Public Law 106-170, which modify and expand the prisoner nonpayment provisions.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AE16

4120. SUPPLEMENTAL SECURITY
INCOME; PLANS FOR ACHIEVING
SELF-SUPPORT (506P)

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-296, sec 203; 42 USC 1383b(d)

CFR Citation: 20 CFR 416.1180; 20 CFR 416.1181; 20 CFR 416.1182; 20 CFR 416.1224; 20 CFR 416.1225; 20 CFR 416.1226

Legal Deadline: None

Abstract: These proposed regulations will revise our rules on plans to achieve self-support (PASS) to take into account the time period an individual

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Long-Term Actions

will need for completion of his or her PASS and other factors determined to be appropriate.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AE17

4121. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, OTHER NONPROFIT ORGANIZATIONS, AND COMMERCIAL ORGANIZATIONS (547F)

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 7505; 41 USC 403(11); 42 USC 902(a)(5)

CFR Citation: 20 CFR 435.000

Legal Deadline: None

Abstract: This final rule will create a new part in the Code of Federal Regulations. The new part will provide standards in the administration of grants and agreements with institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations.

The Social Security Independence and Program Improvements Act of 1994, enacted August 15, 1994, established SSA as an independent agency separate from the Department of Health and Human Services (HHS), effective March 31, 1995. To implement its own set of grants regulations, SSA proposes to codify almost verbatim the text of the Office of Management and Budget (OMB) Circular Number A-110 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations." These regulations will establish SSA grants regulations, separate from the HHS regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/27/00	65 FR 24767
NPRM Comment Period End	06/26/00	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia Hora, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AE25

4122. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS AND INDIAN TRIBAL GOVERNMENTS (555F)

Priority: Info./Admin./Other

Legal Authority: 41 USC 403(ii); 42 USC 902(a)(5)

CFR Citation: 20 CFR 437.000

Legal Deadline: None

Abstract: This final regulation migrates the HHS grants regulation at 45 CFR part 92 into a new SSA regulation at 20 CFR part 437 now that SSA is an independent agency.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Tribal

Agency Contact: Patricia Hora, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-7183

RIN: 0960-AE28

4123. RESTRICTIONS ON LOBBYING IN CONNECTION WITH THE AWARD OF GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS (556F)

Priority: Info./Admin./Other

Legal Authority: 31 USC 1352; 42 USC 902(a)(5)

CFR Citation: 20 CFR 438.000

Legal Deadline: None

Abstract: This final regulation migrates the HHS grants regulation at 45 CFR part 93 into a new SSA regulation at 20 CFR part 438 now that SSA is an independent agency.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia Hora, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AE29

4124. ELIMINATION OF ROUNDING DISTORTION IN THE CALCULATION OF THE CONTRIBUTION AND BENEFIT BASE AND EARNINGS TEST EXEMPT AMOUNTS (512F)

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This final rule reflects changes required by Public Law 103-296. Section 321(g) of this legislation designated 1994 as the base year to be used in calculating the OASDI contribution and benefit base for years after 1994.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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Phone: 410 965-3661

RIN: 0960-AE40

SSA

Long-Term Actions

4125. SUPPLEMENTAL STANDARDS FOR ETHICAL CONDUCT FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION (601P)**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC APP (Ethics in Government Act of 1978); 5 USC 7301; 5 USC 7353**CFR Citation:** 5 CFR ch LXXXI (New)**Legal Deadline:** None

Abstract: The Social Security Administration (SSA), with the concurrence of the Office of Government Ethics (OGE), proposes to issue regulations for officers and employees of SSA that supplement the OGE Standards of Ethical Conduct for Employees of the Executive Branch, which became effective February 3, 1993. The proposed rule specifies procedural and substantive requirements that are necessary to address ethical issues unique to SSA. There were no alternatives considered for these proposed rules. Any costs or savings will be insignificant.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

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RIN: 0960-AE48**4126. DEEMING OF INCOME FROM AN INELIGIBLE SPOUSE TO AN ELIGIBLE INDIVIDUAL AND AN ELIGIBLE CHILD (606P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 902(a)(5); 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1382j; 42 USC 1383**CFR Citation:** 20 CFR 416.1160; 20 CFR 416.1165; 20 CFR 416.1166**Legal Deadline:** None

Abstract: This rule would revise the method used under the SSI program to determine income for a child who lives with both parents where one parent is ineligible for SSI because of income deemed from an ineligible spouse. Instead of deeming any excess income from the ineligible spouse to the child, referred to as "pass-through deeming," we would deem income to the child using the method we use where neither parent files for SSI. Under current rules, "pass-through" deeming has had the unintended effect of deeming more income than would have been deemed if the regular rules for deeming from ineligible parents who do not file for SSI are used.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:**

Undetermined

Agency Contact: Harry J. Short Jr., Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AE50**4127. DEDICATED ACCOUNTS AND INSTALLMENT PAYMENTS FOR CERTAIN PAST DUE SSI BENEFITS (622F)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 902(a)(5); 42 USC 1381; 42 USC 1381a; 42 USC 1382(c); 42 USC 1382(e); 42 USC 1383(a) to 1383(d); 42 USC 1383(g)**CFR Citation:** 20 CFR 416.545; 20 CFR 416.546; 20 CFR 416.640; 20 CFR 416.1210; 20 CFR 11247

Legal Deadline: Final, Statutory, November 22, 1996.
Legal Deadline was met with the publication of the Interim Final Rules on 12/20/1996.

Abstract: These regulations reflect amendments to the Social Security Act made by sections 213 and 221 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 213 requires the establishment of accounts in financial

institutions for the payment of past-due SSI benefits after reimbursement to a State for Interim Assistance Reimbursement exceeding 6 months' benefits to representative payees on behalf of children under age 18. These accounts will be dedicated for certain purposes by restrictions on the use of such past-due benefits.

Section 221 requires past-due SSI benefits after reimbursement to a State for Interim Assistance Reimbursement which equals or exceeds 12 months' benefits to be paid in installments, with certain exceptions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/20/96	61 FR 67203
Interim Final Rule	02/18/97	
Comment Period End		
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
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RIN: 0960-AE59**4128. EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, THE REHABILITATION ACT OF 1973, AND THE AGE DISCRIMINATION ACT OF 1975 IN PROGRAMS RECEIVING FINANCIAL ASSISTANCE BY SSA (617P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 20 USC 1405; 29 USC 794; 42 USC 290dd-2; 42 USC 902(a)(5); 42 USC 2000d-1; 42 USC 6101**CFR Citation:** 20 CFR 431**Legal Deadline:** None

Abstract: Prior to March 31, 1995, SSA was an operating component of HHS and the general regulatory authority for SSA programs and administration was vested in the Secretary of Health and Human Services (the Secretary) based on section 1102 of the Social Security Act (the Act) (42 U.S.C. 1302). The SSIPIA established SSA as an independent agency in the Executive Branch of the Federal Government effective March 31, 1995, and vested

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general regulatory authority in the Commissioner of Social Security (the Commissioner). Under section 106(b) of SSIPIA, HHS regulations in effect immediately prior to March 31, 1995, which relate to functions now vested in the Commissioner by reason of SSA's independence, continue to apply to SSA until such time as they are modified, suspended, terminated or repealed by the Commissioner. SSA is promulgating regulations at 20 CFR part 431, which are based in large measure upon the HHS regulations at 45 CFR parts 80, 81, 84, 85, 90, and 91. These SSA regulations reflect changes necessary to adapt the HHS regulations to SSA procedures. Upon SSA's rules becoming final regulations, the HHS regulations will cease to have application to SSA in accordance with section 106(b) of SSIPIA.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Eileen Haughton, Attorney, Social Security Administration, Office of the General Counsel, 6401 Security Boulevard, Baltimore, MD 22212235-6
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Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960-AE63

4129. ENFORCEMENT OF NONDISCRIMINATION IN SOCIAL SECURITY PROGRAMS OR ACTIVITIES (661P)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 902(a)(5); 42 USC 1302; PL 103-296

CFR Citation: 20 CFR 431.100; 20 CFR 431.215; 20 CFR 431.220; 20 CFR 431.225; 20 CFR 431.230; 20 CFR 431.235; 20 CFR 431.240; 20 CFR 431.105; 20 CFR 431.110; 20 CFR 431.115; 20 CFR 431.120; 20 CFR 431.125; 20 CFR 431.130; 20 CFR 431.135; 20 CFR 431.140; 20 CFR 431.145; 20 CFR 431.150; 20 CFR

431.160; 20 CFR 431.200; 20 CFR 431.205; 20 CFR 431.210

Legal Deadline: None

Abstract: These proposed regulations are intended to ensure that individuals are not subjected to discrimination on the basis of disability, race, color, national origin, sex, age, or religion in any program or activity conducted by SSA.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960-AE78

4130. TECHNICAL CHANGES TO TITLE XVI (664F)

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1805(d)

CFR Citation: 20 CFR 416.1236; 20 CFR 416, subpart K, app

Legal Deadline: None

Abstract: We are amending the SSI regulations by making technical changes to our rules on income and resources. These technical changes update lists of exclusions from income and resources under the SSI program that are based on statutes other than the Social Security Act and make additional technical changes.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Eric Ice, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-3233

Cynthia Pullen-Carroll, Social Insurance Specialist, Social Security

Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-3691

RIN: 0960-AE79

4131. FEDERAL SALARY OFFSET (WITHHOLDING A PORTION OF A FEDERAL EMPLOYEE'S SALARY TO COLLECT A DELINQUENT DEBT OWED TO THE SOCIAL SECURITY ADMINISTRATION) (721P)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 902; 42 USC 1383; 5 USC 5514

CFR Citation: 20 CFR 422

Legal Deadline: None

Abstract: This initiative would enable the Social Security Administration (SSA) to collect from Federal salaries qualifying, delinquent title II and title XVI overpayment debts owed by former beneficiaries who are currently Federal employees. The debt collection would be accomplished by the partial reduction of the employee's disposable salary.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Edward Johns, Financial Management Analyst, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-0392

Patricia Hora, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-7183

RIN: 0960-AE89

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4132. PRIVATE COLLECTION AGENCIES (USING PRIVATE COLLECTION AGENCIES TO HELP SSA COLLECT DELINQUENT TITLE II AND TITLE XVI DEBTS OWED BY FORMER BENEFICIARIES) (722P)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 902; 42 USC 1383(b); 31 USC 3718

CFR Citation: 20 CFR 422

Legal Deadline: None

Abstract: This initiative would enable the Social Security Administration (SSA) to refer delinquent title II and title XVI overpayment debts owed by former beneficiaries to private collection agencies for further debt collection efforts.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal

Agency Contact: Edward Johns, Financial Management Analyst, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-0392

Patricia Hora, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-7183

RIN: 0960-AE90

4133. CHARGING INTEREST (CHARGING INTEREST ON DELINQUENT DEBTS) (723P)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 902; 42 USC 1383(b); 31 USC 3717

CFR Citation: 20 CFR 422

Legal Deadline: None

Abstract: Under this initiative, the Social Security Administration (SSA) would charge interest, administrative

costs of collection and penalties on qualifying, delinquent title II debts and title XVI overpayment debts owed by former beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Edward Johns, Financial Management Analyst, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-0392

Patricia Hora, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-7183

RIN: 0960-AE91

4134. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (725P)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 421

CFR Citation: 20 CFR 404.1590

Legal Deadline: NPRM, Statutory, January 1, 2002, Section 111 of Public Law 106-170, effective January 1, 2002.

Abstract: One of SSA's most important initiatives is to assure that Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) beneficiaries with disabilities who want to work have the opportunity to do so. Individuals with disabilities face multiple barriers in attempting to return to work. Section 111 of Public Law 106-170 provides a new statutory work incentive by eliminating the scheduling of continuing disability medical reviews solely because of an SSDI beneficiary's work activity, once the beneficiary has been entitled to SSDI benefits for 24 months. (Such beneficiaries will continue to be subject to regularly scheduled continuing disability reviews, work investigations, and benefit termination due to earnings

from work activity at the level of substantial gainful activity.)

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jack Baumel, Social Insurance Specialist, Social Security Administration, Office of Employment Support programs, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-9834

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-1769

RIN: 0960-AE93

4135. ASSIGNMENT OF SOCIAL SECURITY ADMINISTRATION NUMBERS (SSN) FOR NONWORK PURPOSES (751P)

Priority: Other Significant

Legal Authority: 42 USC 405; 42 USC 432; 42 USC 902(a)(5); 42 USC 1320b-1; 42 USC 1320b-13

CFR Citation: 20 CFR 422.104

Legal Deadline: None

Abstract: SSA published an advanced notice of proposed rulemaking regarding when we will assign an SSN to an alien who is legally in the United States (U.S.) but not under authority of law permitting him or her to work in the U.S. We are considering a proposal to assign an SSN to an alien who is legally in the U.S. but does not have authorization to work only if there is a Federal statute or regulation that requires the alien to furnish an SSN to receive a federally-funded benefit or service. Under such a proposal, we would no longer assign an SSN to an alien if the alien's sole reason for applying for the SSN is to satisfy a State or local statute or regulation that requires an individual to furnish an SSN in order to receive a benefit or service. The intent of such a proposed change would be to reduce the possibility of fraud through misuse of SSNs. We are still evaluating the public comments received.

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Timetable:

Action	Date	FR Cite
ANPRM	10/12/99	64 FR 55217
ANPRM Comment Period End	12/13/99	
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

Agency Contact: Arthur LaVeck, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-5665

Fran O. Thomas, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-9822

RIN: 0960-AF05**4136. CHANGE IN RETIREMENT AGE (775F)****Priority:** Substantive, Nonsignificant

Legal Authority: 42 USC 402; 42 USC 403; 42 USC 404(a); 42 USC 404(e); 42 USC 405(a); 42 USC 405(c); 42 USC 415; 42 USC 416; 42 USC 422(b); 42 USC 423; 42 USC 424a; 42 USC 425; 42 USC 428(a) to 428(e); 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.201; 20 CFR 404.277; 20 CFR 404.304; 20 CFR 404.310; 20 CFR 404.311; 20 CFR 404.312; 20 CFR 404.313; 20 CFR 404.317; 20 CFR 404.335; 20 CFR 404.336; 20 CFR 404.337; 20 CFR 404.338; 20 CFR 404.352; 20 CFR 404.409; 20 CFR 404.410; 20 CFR 404.411; 20 CFR 404.412; 20 CFR 404.413; 20 CFR 404.421; 20 CFR 404.621; 20 CFR 404.623; 20 CFR 404.762

Legal Deadline: None

Abstract: These final rules amend our regulations to reflect section 201 of Public Law 98-21, the Social Security amendments of 1983. Section 201 increases the retirement age for unreduced old-age, wife or husband and widow or widower benefits from age 65 to 67.

These regulations conform SSA policy to match Federal laws, and therefore, there are no costs attributable to these regulatory changes.

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Bill Hilton, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-2468

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960-AF16**4137. MEDICAL EQUIVALENCE FOR ADULTS AND CHILDREN (787P)****Priority:** Substantive, Nonsignificant

Legal Authority: 42 USC 405; 42 USC 902(a)(5); 42 USC 1383

CFR Citation: 20 CFR 404.1526; 20 CFR 404.1529; 20 CFR 416.926; 20 CFR 416.929

Legal Deadline: None

Abstract: This notice of proposed rulemaking will clarify that a determination of medical equivalence will consider the medical severity of the individual's impairment, based on all relevant evidence in the case record. These rules will clarify our medical equivalence policy in light of the decision in *Hickman v. Apfel*, 187 F.3d 683 (7th Cir. 1999).

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Jane Deweib, Social Insurance Specialist, Social Security Administration, Office of Disability, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9878

Cheryl A. Williams, Social Insurance Specialist, Social Security Administration, Office of Process and

Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-4163

RIN: 0960-AF19**4138. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT) (790P)**

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 423; 42 USC 1383

CFR Citation: Not Yet Determined

Legal Deadline: NPRM, Statutory, January 1, 2001, Section 112 of Public Law 106-170, effective January 1, 2001.

Abstract: Individuals with disabilities face multiple barriers in attempting to return to work. Section 112 of Public Law 106-170 provides a new statutory work incentive by providing for expedited reinstatement of SSDI and SSI benefits terminated due to work activity, when the former beneficiary requests reinstatement within 60 months because his or her disability prevents work activity. Section 112 also provides for payment of provisional benefits up to six months until SSA makes a determination on the requester's entitlement to reinstated benefits.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Jack Baumel, Social Insurance Specialist, Social Security Administration, Office of Employment Support programs, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-9834

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960-AF21

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4139. SSI TRUSTS AND TRANSFERS OF RESOURCES (791I)**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 1382a(a); 42 USC 1382b(c)(e); 42 USC 1382b(e); PL 106-169, sec 205; PL 106-169, sec 206**CFR Citation:** 20 CFR 416**Legal Deadline:** None

Abstract: These interim final rules amend our regulations to reflect sections 205 and 206 of Public Law 106-169, the Foster Care Independence Act of 1999. Section 205 generally provides for counting certain trusts as resources in the SSI program. Section 206 generally provides for a period of ineligibility for SSI benefits as a result of transferring resources for less than fair market value.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Kenneth A. Brown, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-9772

Harry J. Short Jr., Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-7713

RIN: 0960-AF22**4140. SOCIAL SECURITY COVERAGE OF EMPLOYMENT FOR RESIDENTS OF THE NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, AND GUAM (792P)****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 20 CFR 404.1004(8); 20 CFR 404.1004(9); 20 CFR 404.1022(a); 20 CFR 404.1022(c)**Legal Deadline:** None

Abstract: These proposed rules will amend our regulations to include the Commonwealth of the Northern

Mariana Islands in the definition of United States under title II. These revisions will also include coverage of employment for workers in the Commonwealth of the Northern Mariana Islands as well as workers in American Samoa or Guam.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Dianne Freelump, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-9812

Cynthia Pullen-Carroll, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-3691

RIN: 0960-AF23**4141. EFFECTS OF BEING CONSIDERED A CHILD (793P)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 1382c(f)(1)**CFR Citation:** 20 CFR 416.1851**Legal Deadline:** None

Abstract: These proposed rules will restore nationwide uniformity on deeming of income and resources from a stepparent to an SSI eligible child. This action is being taken as a result of the decision in Florez on behalf of Wallace v. Callahan 156F.3d 438 (2d. Cir. 1998). A stepparent's income and resources will not be deemed to a child when the natural parent does not live in the same household as the stepparent and the child.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Karen E. Kerwath, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-9835

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-1769

RIN: 0960-AF24**4142. WAGE REPORTS AND PENSION INFORMATION (809P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 405; 42 USC 432; 42 USC 902(a)(5)**CFR Citation:** 20 CFR 422.114**Legal Deadline:** None

Abstract: The Social Security Administration (SSA) proposes to amend its rules on processing reports of wages submitted annually by employers. We propose to amend this rule to reflect the threshold now in use for accepting wage reports with unidentified or incorrectly identified wage items.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401 Phone: 410 965-1769

RIN: 0960-AF38**4143. DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY (TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999) (789P)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 434**CFR Citation:** 20 CFR 404.1599**Legal Deadline:** None

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Abstract: One of SSA's most important initiatives is to assure that Social Security Disability Insurance (SSDI) beneficiaries with disabilities who want to work have the opportunity to do so. Section 301 of Public Law 106-170 provides the Commissioner of Social Security the authority to develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of various alternative methods of treating the work activity of individuals entitled to disability insurance benefits.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: John Kearney, Social Insurance Specialist, Social Security Administration, Office of Policy, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-6386

Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960-AF41

4144. EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY DISABILITY PROGRAMS (820F)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-169, sec 208; 42 USC 1136b-6

CFR Citation: 20 CFR 498.100; 20 CFR 498.105; 20 CFR 498.108; 20 CFR 498.109; 20 CFR 498.110; 20 CFR 498.129; 20 CFR 498.201; 20 CFR 498.202; 20 CFR 498.215

Legal Deadline: None

Abstract: This final rule would bar representatives and health care providers from participating in the Social Security disability programs if they are determined to have committed

fraud. The bar would be 5 years, 10 years, and permanent exclusion for the first, second, and third offenses respectively.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Harry J. Short Jr., Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-7713

RIN: 0960-AF46

4145. • NON-PAYMENT OF MONTHLY SOCIAL SECURITY BENEFITS TO ALIENS RESIDING IN THE UNITED STATES WHO ARE NOT LAWFULLY PRESENT (849P)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 8 USC 1611; 8 USC 1641; 42 USC 402(y)

CFR Citation: 20 CFR 404.401; 20 CFR 404.460; 20 CFR 404.481 (New); 20 CFR 404.482 (New); 20 CFR 404.483 (New); 20 CFR 404.485 (New); 20 CFR 404.486 (New); 20 CFR 404.487 (New); 20 CFR 404.488; 20 CFR 404.489 (New); 20 CFR 404.490 (New)

Legal Deadline: None

Abstract: We propose to add rules to require evidence in our records of United States citizenship, status as a United States national or, in the case of an alien lawful presence in the United States in order for an individual to receive benefits under title II of the Social Security Act while in the United States. Any costs associated with this proposed regulation are attributable to the legislation and not the regulation itself.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Cynthia Pullen-Carroll, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-3691

RIN: 0960-AF56

4146. • REVISING THE RULES ON THE STEPS FOR EVALUATING DISABILITY (894P)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: We are proposing combining steps 4 and 5 of the sequential evaluation process for evaluating disability into one step. Instead of having separate steps for determining whether a claimant can do any past relevant work and other work, we would have one step where we determine if a claimant can do any SGA at all. This would simplify the evaluation process and save time and resources.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Cheryl A. Williams, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 966-4163

RIN: 0960-AF65

4147. • PROGRAM: COOPERATIVE AGREEMENTS FOR BENEFITS PLANNING, ASSISTANCE, AND OUTREACH PROJECTS (844P)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

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Legal Authority: Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: This Notice of Proposed Rulemaking would implement subtitle C "Work Incentives Planning, Assistance, and Outreach" of the Ticket to Work and Self-Sufficiency Program (Ticket to Work and Work Incentives Improvement Act of 1999). These

proposed rules would establish a corps of work incentives specialists and State grants for a full range of Planning and Assistance services.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Suzanne DiMarino, Social Insurance Specialist, Social Security Administration, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235-6401
Phone: 410 965-1769

RIN: 0960-AF68

Social Security Administration (SSA)

Completed Actions

4148. MUSCULOSKELETAL SYSTEM AND RELATED CRITERIA (143F)**Priority:** Other Significant**CFR Citation:** 20 CFR 404.1500, app 1**Completed:**

Reason	Date	FR Cite
Final Action	11/19/01	66 FR 58009

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Victoria Dorf
Phone: 410 965-9245

Suzanne DiMarino
Phone: 410 965-1769

RIN: 0960-AB01**4149. ELECTION OF BENEFITS BASED ON AGE BY DISABLED WIDOW, WIDOWER, AND SURVIVING DIVORCED SPOUSE BENEFICIARIES (343P)****Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 404.335; 20 CFR 404.336; 20 CFR 404.337**Completed:**

Reason	Date	FR Cite
Merged With 0960-AF16	10/18/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Fran O. Thomas
Phone: 410 966-9822

RIN: 0960-AD56**4150. FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; DETERMINING DISABILITY AND BLINDNESS; REVISION TO MEDICAL-VOCATIONAL GUIDELINES (599F)****Priority:** Other Significant**CFR Citation:** 20 CFR 404.1500, app 2**Completed:**

Reason	Date	FR Cite
Final Action	08/28/01	66 FR 45162
Final Action Effective	09/28/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal

Agency Contact: Cheryl A. Williams
Phone: 410 966-4163

RIN: 0960-AE42**4151. COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS; OFFICE OF MANAGEMENT AND BUDGET (OMB) CONTROL NUMBER (280F)****Priority:** Info./Admin./Other

CFR Citation: 20 CFR 404.1215; 20 CFR 404.1242; 20 CFR 404.1243; 20 CFR 404.1247; 20 CFR 404.1249; 20 CFR 404.1251; 20 CFR 404.1265; 20 CFR 404.1203; 20 CFR 404.1204; 20 CFR 404.1214; 20 CFR 404.1216; 20 CFR 404.1220; 20 CFR 404.1225; 20 CFR 404.1237; 20 CFR 404.1239; 20 CFR 404.1242; 20 CFR 404.1243; 20 CFR 404.1247; 20 CFR 404.1249; 20 CFR 404.1251; 20 CFR 404.1265; 20 CFR 404.1271; 20 CFR 404.1272; 20 CFR 404.1292

Completed:

Reason	Date	FR Cite
Final Action	05/25/01	66 FR 28835
Final Action Effective	05/25/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Robert J. Augustine
Phone: 410 966-0020

RIN: 0960-AE69**4152. TITLE XVI, CROSS-PROGRAM RECOVERY (746F)****Priority:** Other Significant

CFR Citation: 20 CFR 404.401; 20 CFR 416.558; 20 CFR 416.570; 20 CFR 416.572

Completed:

Reason	Date	FR Cite
Final Action	07/26/01	66 FR 38902
Final Action Effective	08/27/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 0960-AF13**4153. FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE; SUPPLEMENTAL SECURITY INCOME; DETERMINING DISABILITY AND BLINDNESS; REVISIONS TO THE GROWTH IMPAIRMENT LISTINGS (758P)**

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

CFR Citation: 20 CFR 404.1505; 20 CFR 404.1520; 20 CFR 404.1525; 20 CFR 404.1526; 20 CFR 416.905; 20 CFR 416.906; 20 CFR 416.920; 20 CFR

SSA

Completed Actions

416.924; 20 CFR 416.925; 20 CFR 416.926; 20 CFR 416.926a

Completed:

Reason	Date	FR Cite
Merged With 0960-AF67	09/14/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 0960-AF18

4154. • EXTENSION OF EXPIRATION DATES FOR SEVERAL BODY SYSTEM LISTINGS (857F)

Priority: Other Significant

Legal Authority: 42 USC 402; 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 416(i); 42 USC 421(a); 42 USC 421(i); 42 USC 422(c); 42 USC 423; 42 USC 425; 42 USC 902(a)(5)

CFR Citation: 20 CFR 404.1500, app 1

Legal Deadline: None

Abstract: This regulation extends all medical listings except for the Respiratory Listing.

Timetable:

Action	Date	FR Cite
Final Action	06/28/01	66 FR 34361
Final Action Effective	06/28/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0960-AF59
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